

Anthony Beasley et al
PLAINTIFF(S)

Social Services South Carolina Department Of et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED** (*CHECK REASON*): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN** (*CHECK REASON*): Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*):
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

See page 2 below

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/12/2024 .

RECEIVED

Feb 13 2024

SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

This matter is before the Court on Defendants' South Carolina Department of Social Services and South Carolina Department of Children's Advocacy Motion to Dismiss. Based on a review of the file, the submissions of the parties, and oral argument, the motions are GRANTED IN PART AND DENIED IN PART. As to the 2nd cause of action for negligence, the plaintiff is not entitled to recovery for simple negligence under the South Carolina Tort Claims Act and must prove gross negligence. As to the 5th cause of action, the plaintiff is not entitled to recover for intentional infliction of emotional distress. See S.C. Code Ann. Section 15-78-30(f). Finally, the South Carolina Tort Claims Act does not allow recovery for punitive damages. See S.C. Code Section 15-78-120. As to the remaining causes of action, the allegations, viewed in the light most favorable to the plaintiff, are sufficient at this stage to survive a Rule 12(b)(6) motion to dismiss. Doe v. Marion, 373 S.C. 390 (2007).

Therefore, the motions are granted as to the 2nd and 5th causes of action and as to punitive damages.

It is so Ordered.



Greenville Common Pleas

Case Caption: Anthony Beasley , plaintiff, et al vs. Social Services South Carolina
Department Of , defendant, et al
Case Number: 2023CP2305153
Type: Order/Electronic Form 4

So Ordered

G.D. Morgan Jr.